

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:

CIVIL ACTION: 01-CV-12257-PBS

J&J CLASS 1

Judge Patti B. Saris

**DECLARATION OF STEVE W. BERMAN IN SUPPORT OF  
CLASS PLAINTIFFS' REPLY BRIEF IN SUPPORT OF THEIR MOTION TO ADD  
INDIVIDUAL PLAINTIFFS AS CLASS REPRESENTATIVES FOR  
THE TRACK TWO SETTLEMENT**

I, Steve W. Berman, duly declare under penalty of perjury as follows:

1. I am a partner of Hagens Berman Sobol Shapiro LLP, resident in its Seattle, Washington, office, and I am Co-Lead Counsel for the Plaintiffs in the above-captioned matter. I submit this declaration under penalty of perjury in support of Class Plaintiffs' Reply Brief in Support of Their Motion to Add Individual Plaintiffs as Class Representatives for the Track Two Settlement.

2. Attached hereto as Exhibit 1 is a true and correct copy of the June 13, 2011 Hearing Transcript (pertinent pages only).

3. Attached hereto as Exhibit 2 is a true and correct copy of Haviland's May 12, 2009 Brief in Support of Plaintiff's Motion to Add Putative Class Representatives filed in *International Union of Operating Engineers, Local 68 Welfare Fund v. AstraZeneca PLC, et al.*, No. MON-L-3136-06 (N.J. Super. Ct.).

4. Attached hereto as Exhibit 3 is a true and correct copy of Haviland's October 2, 2009 Reply in Support of Motion to Add Class Representatives filed in *International Union of*

*Operating Engineers, Local 68 Welfare Fund v. AstraZeneca PLC, et al.*, No. MON-L-3136-06 (N.J. Super. Ct.).

5. Attached hereto as Exhibit 4 is a true and correct copy of Haviland's April 30, 2004 Memorandum in Opposition to Defendants GlaxoSmithKline, Fujisawa, Wyeth and Dey's Motion to Dismiss on Standing and Rule 9(b) Grounds filed in *Swanston v. TAP Pharm. Prods., Inc., et al.*, No. CV2002-004988 (Ariz. Super. Ct.).

6. Attached hereto as Exhibit 5 is a true and correct copy of the Mariella Laday billing records.

7. Attached hereto as Exhibit 6 is a true and correct copy of the April 27, 2009 Hearing Transcript (pertinent pages only).

8. Attached hereto as Exhibit 7 is a true and correct copy of the September 11, 2007 Hearing Transcript (pertinent pages only).

9. Attached hereto as Exhibit 8 is a true and correct copy of the June 13, 2011 Order from the Pennsylvania Supreme Court Middle District in *In re Bridgeport Fire Litig.*, No. 958 MAL 2010.

Executed this 24th day of June, 2011, in Seattle, Washington.

**/s/ Steve W. Berman**

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STEVE W. BERMAN

